REMARKS

Claims 1-13 and 16 are pending in the application. Claims 14-15, and 17-25 were previously canceled. Claims 6 and 16 are allowed.

Claims 1, 4, 7, 9, 10, and 13 are amended herein. Claims 5, 8, and 11 are canceled herein. No new matter has been introduced by way of the aforementioned amendments. Claims 4, 7, 9, 10 and 13 have been amended to change the indefinite article to a definite article to overcome the examiner's objection thereto. The amendments do not alter the scope of the claim in any way. The support for the amendment to claim 1 may be found throughout the specification, particularly on page 21, line 25 through page 22, line 20, and in claim 1 as originally filed.

Amendments Overcoming Objections to the Specification and Claims

The disclosure stands objected to because of informalities. Applicants have amended the specification to correct these apparent informalities, as follows: 1) The specification reflects that application 09/790849, from which priority is claimed, has been abandoned; 2) on page 11, the correct designation of the molecular weight of the protein is indicated as 44, 495 Daltons; 3) the Examples are sequentially numbered; 4) the reference to a PCR-generated sequence depicted by Figure 6, on page 39 has been removed; and 5) the title of the Clark et al., Agents Actions 1993 reference cited on page 53 correctly states H3.

The drawings stand objected to because Figures 1 and 2 allegedly do not contain the appropriate SEQ ID NOs. Applicants have added the correct SEQ ID NO to the Brief Description of the Drawings in the Specification.

Claims 4, 7, 9, 10, and 13 stand objected to for using indefinite articles to refer to unique sequences. Applicants have amended claims 4, 7, 9, 10, and 13 to remove the allegedly indefinite terminology.

Applicants respectfully request withdrawal of the foregoing objections.

Claim 1, 2, 3, 5, and 12 are Not Anticipated by Behan *et al.*

Claim 1 stands rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Behan et al. (US Pat. No. 6,204,017) ("Behan"). Claims 2, 3, 5, and 12, which depend from claim 1,

are thus similarly rejected. The Office Action alleges that the nucleotide sequence taught by Behan meets all the limitations of subparagraph (c) of claim 1.

Applicants respectfully disagree with the rejection. However in order to advance prosecution, claim 1 has been amended to remove reference to the requirement of at least 15 consecutive nucleotides encoding a mammalian histamine H4 receptor. The subject matter of claim 1 is therefore not disclosed, taught or suggested by Behan, and the grounds for rejection of claim 1 and its dependent claims are thus rendered moot. Accordingly, Applicants respectfully request withdrawal of the rejection.

The Subject Matter of Claims 1-3, 5, and 12 is Enabled by the Specification

Claim 1 stands rejected under 35 U.S.C. § 112, ¶1 as allegedly failing to comply with the enablement requirement. Claims 2, 3, 5, and 12, which depend from claim 1, are thus similarly rejected. The Office Action alleges that the specification does not teach how to use a polypeptide encoded by polynucleotides that are complementary to an H4-encoding sequence, per subparagraphs (b) and (d) of claim 1, in order to arrive at the claimed nucleic acid molecule.

Applicants respectfully traverse the rejection. Preparation of a polynucleotide from its complementary strand is well-established in the art, and can be readily accomplished without undue experimentation. A patent need not teach, and preferably omits, what is well known in the art. *In re Buchner*, 929 F.2d 660, 661, 18 USPQ2d 1331, 1332 (Fed. Cir. 1991). For example, techniques such as Rapid Amplification of cDNA Ends (RACE) and mixed oligonucleotides primed amplification of cDNA (MOPAC) may be used to produce a sense strand polynucleotide from its complementary strand. For convenience, Applicants have attached to this response copies of RACE and MOPAC protocols from Innis et al., PCR Protocols: A guide to methods and applications., Academic Press, Inc. (1990). Thus, claim 1 is fully enabled by the specification, as are all claims which depend therefrom. Accordingly, Applicants respectfully request withdrawal of the rejection.

To facilitate prosecution, claim 1 has been amended to remove reference to the requirements of hybridization under stringent conditions per subparagraph (d) of claim 1. Thus, the grounds for the rejections are rendered moot. Accordingly, Applicants respectfully request withdrawal of the rejection.

The Specification Provides a Complete Written Description of Claims 1-3, 5 and 12

Claim 1 stands further rejected under 35 U.S.C. § 112, ¶1 as allegedly failing to provide a complete written description of the invention. Claims 2, 3, 5, and 12, which depend from claim 1, are thus similarly rejected. The Office Action states that subparagraph (c) of claim 1 is drawn to isolated polynucleotides encoding mammalian histamine H4 receptors that comprise at least 15 consecutive nucleotides, yet the specification allegedly does not provide guidance as to which 15 nucleotides should be used. The Office Action further alleges that the specification fails to provide objective evidence that additional sequences, as contemplated by subparagraphs (c) and (d) of claim 1, are species of the claimed genus.

Applicants respectfully disagree with the rejection. However, as set forth above, claim 1 has been amended to remove subparagraphs (c) and (d). Thus, the grounds for the rejections are rendered moot. Accordingly, Applicants respectfully request withdrawal of the rejection.

The Specification Provides a Complete Written Description of Claims 5, 8 and 11

Claims 5, 8, and 11 stand rejected under 35 U.S.C. § 112, ¶1 as failing to meet the written description requirement by allegedly containing subject matter which allegedly was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Specifically, the Office Action alleges that while specific cDNA sequences encoding the claimed receptors were disclosed, no genomic sequences were disclosed, and that there are allegedly no well-established rules, techniques, or procedures to allow the skilled artisan to determine the genomic sequence given the disclosed cDNA sequences.

Applicants respectfully disagree with the rejection. However, to facilitate prosecution, claims 5, 8, and 11 have been canceled, without prejudice, herein. Thus, the grounds for the rejection are rendered moot. Applicants reserve the right to pursue the canceled subject matter in a continuing application.

Conclusion

Applicants respectfully assert that all claims now pending in this application are in condition for allowance. The issuance of a Notice of Allowance at an early date is earnestly requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, the undersigned may be contacted at 215-568-3100.

Respectfully submitted,

Date: March 8, 2005

Janet E. Reed, Ph.D.
Registration No. 36,252

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439